



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: April 11, 2017

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

1. ROLL CALL

Roll Call showed 8 present, 1 absent (C. Samaras).

Mayor Kennedy presiding.

C. Milinazzo requested moment of silence in darkened chamber for John J. MacLaughlan.

C. Leahy requested moment of silence in darkened chamber for Francis “Frank” Waterman.

2. CITY CLERK

2.1. Minutes of Finance SC April 3rd; Economic Development SC April 4th; City Council Meeting April 4th, for acceptance.

In City Council, minutes read, **Motion** “To accept and place on file” by C. Mercier, seconded by C. Milinazzo. So voted.

3. AUDITOR BUSINESS

3.1. Communication - YTD Budget Report March 31, 2017.

In City Council, read, **Motion** “To accept and place on file” by C. Rourke, seconded by C. Mercier. So voted.

3.2. Informational - FY16 Schedule A.

In City Council, read, **Motion** “To accept and place on file” by C. Rourke, seconded by C. Mercier. So voted.

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses



In City Council, read, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Mercier. So voted.

(A) Recycling Plan for Downtown Residents. C. Leahy commented on private collection for condominiums. Gunther Wellenstein (Recycling Dir.) outlined the Board of Health regulations as well as the ordinances in City regarding recycling and also noted drop off areas for same. C. Leahy noted that the downtown has coverage for recycling.

(B) Electricity Aggregation Plan. No comments.

(C) Youth Summer Jobs. C. Belanger commented on the various programs. Peter Faticanti (Recreation Program Dir.) outlined the summer youth programs including the ages and number of people hired. Shannon Norton (Career Center) commented on the programs at the Center as well as a private job fair at Lowell High School for youth employment. **Motion** by C. Belanger, seconded by C. Leahy to refer matter to Youth Services SC. So voted. C. Leahy commented on the success of the programs.

4.2. Informational

(D) Flooding Concerns and Mitigation. C. Rourke requested how the administration responded to the protocol. Manager Murphy noted the monitoring aspect of flooding by all the parties. C. Rourke commented on future protocol. Manager Murphy commented on the protocol as well as notification system to citizens. C. Belanger commented on proactive approach of the City and the cooperation of Enel. C. Leahy noted improved relationship with Enel. C. Rourke requested without objection that Item # 8.8; 8.9; 8.10; and 8.11 (M. Kennedy motions) be taken up with this item. So voted. M. Kennedy relinquished Chair to Vice-Chair Rourke at 7:00 PM.

4.3. Communication - City Mgr. request Out of State Travel (3) LPD.

In Council, **Motion** to adopt by C. Leahy, seconded by C. Rourke. Adopted per Roll Call vote 8 yeas, 1 absent (C. Samaras). So voted.

5. VOTES FROM THE CITY MANAGER

5.1. Vote-Auth Mgr Accept Grant from Comm of MA Dept of Fire Svcs (\$56K) for Fire Dept to purchase a Fire Safety House (Trailer) and Execute MOU re the S.A.F.E. Fund Grant Program.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Mercier, seconded by C. Milinazzo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Samaras). So voted.



5.2. Vote-Authorize City Mgr Ex. License Agreement-108 Merrimack St. (overhanging sign) South American Food Market Inc. d/b/a Capricci.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Milinazzo, seconded by C. Leahy. Adopted per Roll Call vote 8 yeas, 1 absent (C. Samaras). So voted.

C. Elliott requested without objection to take Item #8.3 out of order. So voted.

5.3. Vote-Authorize City Mgr Execute Parking Lease and Passcard Parking Agreement w/Mack Canal LLC for parking for residential use located at 1 Merrimack Place, Lowell.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Milinazzo, seconded by C. Leahy. Adopted per Roll Call vote 8 yeas, 1 absent (C. Samaras). So voted. C. Leahy requested information on the agreement. Nick Navin (Parking Dir.) outlined the agreement and the effect on parking; further noting that UMass-Lowell was not leasing spaces for next year so that this lease would cover any losses. C. Leahy questioned if spaces could be managed within the garages for certain leases. Mr. Navin noted that it may be possible to manager in such a manner to gain further control. C. Rourke questioned Ayotte Garage leases. Mr. Navin noted that the majority of the spaces in that garage are under contract. C. Leary noted management of the garages is important. Mr. Navin made note of implementation of App to assist with parking. C. Leary noted updated software will assist with management. Manager Murphy noted that the department would always have current information for all garages. C. Rourke questioned parking for high school students. Mr. Navin outlined protocol for students. C. Leary requested update of information regarding new spaces coming on line for garages. Mr. Navin noted he would provide same. M. Kennedy noted the need to know the capacity of leasing space in the garages. Manager Murphy commented on report recently drafted with such information. C. Rourke noted the need to have such an inventory.

6. REPORTS (SUB/COMMITTEE, IF ANY)

None.

7. PETITIONS

7.1. Misc. - Keith Kirchner request reimbursement of Trinity Ambulance bill.



In Council, **Motion** to refer to Law Department for report and recommendation by C. Elliott, seconded by C. Belanger. So voted.

7.2. Misc. - MassDOT request City Council grant temporary easement for sidewalk reconstruction at intersection of Route 113 and VFW Highway (Riverside St.)

In Council, **Motion** to refer to Law Department for report and recommendation by C. Milinazzo, seconded by C. Rourke. So voted.

7.3. Misc. - MassDOT request City Council grant temporary easement for sidewalk reconstruction at intersection of Route 113 and VFW Highway (Varnum Ave.)

In Council, **Motion** to refer to Law Department for report and recommendation by C. Leary, seconded by C. Belanger. So voted.

8. CITY COUNCIL - MOTIONS

8.1. C. Elliott - Req. City Council vote to recognize veterans of the month, from the Lowell Veterans' Commission, on a quarterly basis at City Council meetings as well as welcome back veteran service members from overseas.

In City Council, seconded by C. Mercier, referred to City Manager. Adopted per Roll Call vote, 8 yeas, 1 absent (C. Samaras). So voted. Registered speakers John McDonald and Kamara Kay addressed the Council. C. Elliott noted the Veterans Commission was established to recognize the group and to assist with any issues. M. Kennedy relinquished Chair to Vice-Chair Rourke at 7:55 PM. M. Kennedy noted the many events that take place in Mayor's Reception Room and that his discussion with the Veterans Commission and a vote by them to have such events in that room was met with approval and that if he would not object to any events in the Council Chamber. C. Leahy noted the prerogative of the Mayor and the calls made to him regarding matter. C. Leary commented that the Mayor's Reception Room may be better suited for certain occasions and that body should refrain from personal attacks. C. Milinazzo noted his displeasure with the lecturing tone of registered speaker and that some input should be accepted from the Veterans Council. C. Leary noted that this issue should instill pride at the meeting and not division. C. Elliott recognized registered speaker and his efforts. C. Mercier noted the responsibility of being elected and that the Mayor can conduct business as he sees fit and that veteran recognition is important. M. Kennedy noted he received no calls identifying an issue and just learned of this at current meeting, further outlining the history of the request. C. Belanger commented on Mayor's style and that veteran recognition should be an exception. C. Leary reminded all of the Walter Bayliss Award and that the focus should be on that. C. Elliott recognized that this is all about veterans. M. Kennedy requested that the Veterans Commission revisit former vote to establish what they wish the protocol to be. C. Rourke commented that participants in



any ceremony should give their preference. C. Rourke returned Chair to M. Kennedy at 8:14 PM.

8.2. C. Elliott - Req. Finance SC meet weekly to discuss financial aspects of Lowell High School.

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Elliott noted the need to keep discussion active. Manager Murphy indicated that vote would be June 13, 2017.

8.3. C. Elliott - Req. City Council discuss dedication of a park bench in memory of Cole Kinney per request of the family.

In City Council, seconded by C. Mercier, referred to City Manager/Parks & Recreation SC/Board of Parks. So voted. C. Elliott noted request of family. C. Mercier outlined process involved in dedications.

8.4. C. Leahy - Req. City Council vote to name open space at 150 Douglas Road, previously gifted to the City by the Knott family; as "Lowell Veterans' Park", and dedicate its use in honor of Lowell veterans.

In City Council, seconded by C. Leary, referred to City Manager/Parks & Recreation SC/Board of Parks. So voted. C. Leahy noted Representative Nangle working on project as well through State funding. Manager Murphy noted that the areas had not been dedicated at this juncture. C. Mercier outlined process for dedications.

8.5. C. Belanger - Req. City Mgr. update City Council regarding Ayers City Redevelopment and access plans to that area.

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Belanger noted the need to refocus on the area.

8.6. C. Leary - Req. City Mgr. provide a status update regarding the fines and actions taken on property located at 44 McKinley Avenue.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leary noted the great amount of complaints of property and the need to shut down a nuisance.

8.7. C. Leary - Req. City Mgr. review the feasibility of combining Public Works and Lowell Public Schools Custodians departments into a Maintenance Department,



the report to include both positive and negative issues that such a merger would incur, any potential efficiency improvements and costs savings achieved.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leahy commented on streamlining the departments which could result in costs savings as well as better situation for employees. C. Leahy noted success of other municipalities in this area.

8.8. M. Kennedy - Req. City Mgr. and City Engineer develop a protocol for flood warnings in the Clay Pit Brook neighborhood and Rosemont neighborhood, and refer matter to Flood Issues SC for citizen input.

In City Council, seconded by C. Leahy, referred to Flood Issues SC. So voted. M. Kennedy noted the need to get protocol out to neighborhoods and issue warnings as needed so that all residents can understand it.

8.9. M. Kennedy - Req. City Mgr. consider extending the Clay Brook culvert to beyond the dam area and make it part of the Capital Plan.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. M. Kennedy noted prior motion indicated price was high for work, this approach could be less costly and that there is a need to protect that area and to ease concerns of neighborhood. C. Belanger noted the need to ease tension of neighborhood during spring. C. Leahy noted the need to find funding perhaps through grant programs. C. Mercier questioned if beaver dams play a role in the problems.

8.10. M. Kennedy - Req. City Mgr. consider the construction of a dike on the west bank of Beaver Brook and make it part of the Capital Plan.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. M. Kennedy noted this situation differs from Clay Brook and that a solution should be explored and implemented. **Motion** to suspend rules by C. Milinazzo, seconded by Mercier to allow unregistered speakers to address the body. So vote. Deb Forgione and Jim McMarrow addressed body. M. Kennedy noted any protocol should include time lengths for any movement of dam on river.

8.11. M. Kennedy - Req. City Mgr. provide City Council and the LHS Building Committee with clarification regarding the apparent conflict between 963 CMR 2.21 and the recent Skanska response to the inquiry regarding Section 3.1.8 (Regarding Past Projects) of the MSBA Preliminary Design Program Review,



report to include an estimate of the financial impact of this provision should the high school leave the downtown area.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. M. Kennedy noted potential issue of City having to pay for past projects and that there is a need for clarity on the same, including what time period is applicable as well as what restrictions would be on abandoned property. M. Kennedy noted that the MSBA needs to provide written clarity so that body can make informed decision. C. Leahy noted the need to be clear on matter. Manger Murphy noted he had verbal time period of twenty years and he would request if there would be any restrictions on building. C. Leary noted wording of regulations appears to not be mandatory. M. Kennedy noted language is unclear so that is reason for request. C. Milinazzo commented on recent letter of MSBA and the response of the administration. Manager Murphy noted that all issues contained in letter will be able to be addressed. C. Rourke commented on probability of refund. C. Rourke returned Chair to M. Kennedy at 7:22 PM.

9. ANNOUNCEMENTS

In City Council, C. Mercier noted the Commission on Disability march for awareness. M. Kennedy recognized Cambodian New Year celebration.

10. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Rourke, seconded by C. Milinazzo. So voted.

Meeting adjourned at 8:25 PM.

Michael Geary, City Clerk